

REMARKS/ARGUMENT

The Office Action shows that claim 1–14 are pending in the application. This is in error. 21 claims have been filed with the application. No claims have been add nor cancelled. Applicants submit that claims 1–21 are pending in the application.

The Office Action rejected claims 1–14 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,046,649 to Awater et al. Applicant respectfully traverses this rejection, as set forth below.

The Examiner opined regarding claim 1 that Awater teaches,

a dual platform communication controller for use with a wireless communication system (see fig. 1), comprising:

a signal interpreter coupled to said wireless communication system and configured to recognize a first signal packet based on a first communication standard and a second signal packet based on a second communication standard (see figs. 1 and 2; col. 3, line 10 to col. 4, line 60)...The control means and the Interoperability device 106 of Awater read on the signal interpreter and the traffic manager of the present invention.

Applicants respectfully disagrees with Examiner's reading of Awater. Awater does provide time-sharing of the IEEE 802.11 and Bluetooth

transmitters. Awater does not recognize a first signal packet based on a first communication standard and a second signal packet based on a second communication standard. Furthermore, Awater does not teach deterministic time-sharing between signal packets based on the recognition of packets.

The switching modes of operation in Awater are explained in col. 6 starting at line 41.

1. The user decides which modes and switches.
2. Control from CPU through drivers based on the application being used.
3. A protocol sniffer may be used to detect the presence of an IEEE 802.11 device or a Bluetooth device. If sniffer detects both IEEE 802.11 and Bluetooth devices it choose device that user has selected as preferred.

In order that the rejection of Claims to be sustainable, it is fundamental that "each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference." Verdegall Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also, Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), where the court states, "The identical invention must be shown in as complete detail as is contained in the ... claim".

Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

While it is believed that the instant response places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

Respectfully submitted:

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